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PRESENT:

Grant S. Nielson	Mayor and presiding
Vance Bishop	City Administrator
Max Bennett	Council Member
Don Bird	Council Member
Don Dafoe	Council Member
Ruth Hansen	Council Member
Willis Morrison	Council Member

ABSENT:

None

OTHERS PRESENT:

Neil Forster	Public Works Superintendent
Ray Valdez	City Building Inspector
John Quick	City Engineer
Warren Peterson	City Attorney
Dorothy Jeffery	City Recorder

Tex Searles	Developer
Kin Yourn	Boettcher & Company
Ellen Roholt	Utah Issues
Kenneth Topham	Millard School Dist.
Robert Pendray	Pendray Construction
Pat Davies	Portraits Forever
Jay Pace	Pace Real Estate

There were others in attendance that did not sign the roster.

Mayor Grant Nielson, being present, called the meeting to order at 7:00 p.m. Dorothy Jeffery, being present, acted as secretary.

The Mayor stated the meeting was a regularly called meeting and that notice of the time, place and agenda of the meeting had been posted at the principal office of the governing body and had been provided to the Millard County Chronicle, the Millard County Gazette and the local radio station KNAK, and to each member of the governing body by mailing copies of the Notice and Agenda two (2) days before to each of them.

MINUTES

Minutes of a regular City Council Meeting held February 1, 1982 were presented to the council for their review and consideration of approval. Council Member Bird MOVED the minutes be approved as corrected. The motion was SECONDED by Council Member Bird. The motion carried.

ACCOUNTS PAYABLE

The accounts payable were presented by the City Recorder and reviewed by the City Council. After a brief discussion, Council Member Bennett MOVED the accounts payable be approved for payment as presented. The motion was SECONDED by Council Member Morrison. The motion received the unanimous affirmative vote.

TEX SEARLES - STATUS REPORT ON THE DEL PARK PROJECT

Mr. Searles stated that he had asked for time with council to inform them of the status of the Del Park Project. The following items were discussed with council:

1. All of the single pads in the completed area will probable be filled by May 01, 1982.
2. They are ready to start additional construction on the project as soon as there is sewer services available.
3. Plans to meet with Planning and Zoning Commission to petition for the annexation of the remainder of their property within the Del Park Project.
4. Plans for an additonal 40 or 50 pads in the proposed annexation area.
5. Possible R/V Park located on the West end of the project.

John Quick displayed a map of the project area for the review of the council which was discussed in detail. Mr. Quick stated the South Elementary School Property will also be in need of the sewer services which will be on the same line as the Del Park Project. Mr. Quick assured Mr. Searles the sewer services will be expedited.

Mr. Searle asked about the lift station. Superintendent Forster stated "the South line will extend to the approximate area of the East property line of the Evans Taggart property 1/4 mile south of the present city limits. The developer will be responsible from that lift station to any properties serviced."

There was no council action required for the above discussion

DISCUSSION OF THE DELTA CITY ZONING ORDINANCE AND THE OFFICIAL ZONING MAP

Attorney Peterson explained to the council there were some problems with some of the language in the Delta City Zoning Ordinance #81-26 and there are some difficulties with the enforcement of the ordinance. Also, the official zone map has been taken from the city office and if it is not returned, a new one will have to be prepared. The zone changes which have been granted by the council since the adoption of the occicial zone map must be added to the map and signed by the Mayor and attested by the City Recorder.

Councilman Morrison MOVED the City Administrator, City Attorney and the Council Member in charge of Planning and Zoning be given authorization to do what ever is necessary to get the official zoning map in place and authorize Mayor Nielson to call a public hearing for the aforementioned issue if needed. The motion was SECONDED by Council Member Bennett and received the unanimous affirmative vote of all council members present.

JOHN CHOULES REQUEST FOR ZONE CHANGE FROM R-3B TO LIGHT INDUSTRIAL

Mayor Nielson read the following recommendation received from the Planning and Zoning Commission:

By a unanimous vote at the Planning and Zoning Meeting held Wednesday, January 27, 1982 the Planning and Zoning Committee recommended that the Delta City Council accept application of John Choules for a zone change from R-3B to Light industrial to build warehouses or offices at

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478 West 200 North Delta, Utah.

The following letter protesting the above application for zone change received from the property owners adjacent to 478 West 200 North, was read by Council Member Bird:

Gentlemen:

We, as neighbors of the property at 478 W. 200 N., Delta, Utah, would like to fromally protest the request for a zone change from R-3B to Light Industrial, for Mr. John Choules.

1. We would like to keep our neighborhood zoned for residential use.
2. We feel that the plans Mr. Choules has shown us placed too many buildings on the lot.
3. The proposed plan does not allow enough space for parking. We do not wish to have our personal parking taken up by personnel and customers of the office buildings.
4. We feel the increased amount of traffic going to the offices or warehouses would be an ever present danger to our children. There are 17 children in the properties bordering this lot. It seems only certain that most of the traffic would be large trucks.
5. We feel that it would cause a devaluation of our residential properties.
6. Warehouses would cause too much early morning, and late evening traffic. Possible during sleeping hours.
7. Offices and warehouses do not seem compatible on a block that holds residential properties.
8. As stated at the last Zoning Meeting on this matter, there may be an eventual access problem. The street on the East side of this property is not an actual street but only an alley type access. Portions of this street are owned by the Conoco Bulk Plant, and if they so desired, they could block all access to the East side of the property. The plan seemed to call for the entrance to the warehouses to be from the east. This street is only one lane now and could be a traffic hazard.

The above letter was signed by the following persons:

Archie Barben, Mark Losee, Anna L. Bennett, Jerry Lynn Bennett, and Goldie O. Miller.

Mr. Choules answered each of the listed protests as follows:

1. At present there is a bulk plant and a milling company within the general area of the proposed zone change.
2. We would fill up the property with the project, however the parking would be controlled by the city.

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3. The design of the buildings would be built with the back of the buildings up to the Losee Property which would be a wall or fence around the property, ther will be minimum windows facing the Losee property.

A plan of the project was displayed for the review of the council. Mr. Choules then stated his plans were for a 100 ft. by 100 ft. warehouse on the large piece of property and on the small piece of property, there will be four offices.

Council Member Morrison stated he felt the issue was not being addressed as presented, the request was for a zone change and not for approval of the project, Mr. Choules will have to present his project for Planning and Zoning and Council's approval at a later date.

4. There will be less traffic with a warehouse than with an apratment unit. Houwever, it is true most of the traffic will be large trucks.

5. As far as the devaluation of their property, they are better protected with a warehouse and offices than they would be with apartments.

6. That is conjecture.

7. No comment.

8. Neil Forster stated that the property in question is in fact a 33 ft. street no an alley. Portion of the area are black topped and a portion of that area is owned by the Conoco Company but the city owns the 33 ft. street.

Following a discussion on the above issue, Mayor Nielson asked if there were any comments from the floor, there were no comments for or against the request-zone change from the floor.

Council Member Dafoe MOVED the council grant Mr. John Choules his request for a zone change from R-3B to Light Industrial which would allow him to build warehouses or offices at 478 West 200 North. The motion was SECONDED by Council Member Morrison. Mayor Nielson called for a roll call vote, voting was as follows:

Max Bennett	Yea
Don Bird	Yea
Don Dafoe	Yea
Ruth Hansen	Yea
Willis Morrison	Yea

REVIEW OF THE PROPOSED ANNEXATION OF SOUTH ELEMENTARY SCHOOL PROPERTIES

Attorney Peterson presented each Council Member and the Mayor with a copy of Ordinance No. 82-36 which is entitled:

AN ORDINANCE OF THE CITY OF DELTA PROVIDING FOR ANNEXATION OF CERTAIN TERRITORY INTO THE CORPORATE LIMITS OF SAID CITY AND ESTABLISHING CRITERIA AND CONDITIONS TO THE ANNEXATION OF SAID TERRITORY.

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Attorney Peterson reviewed the ordinance in detail with the council and explained the ordinance would be retyped with the necessary correction prior to the Mayor signing the document. Council Member Bennett MOVED the council adopt Ordinance #82-36 subject to Attorney Peterson making the corrections as discussed. The motion was SECONDED by Council Member Hansen. Attorney Peterson asked for a copy of the Annexation Plat be an attachment to the Ordinance and be included in the motion. Council Member Bennett agreed. Mayor Nielson called for a roll call vote on the pending motion. The voting was as follows:

Max Bennett	Yea
Don Bird	Yea
Don Dafoe	Yea
Ruth Hansen	Yea
Willis Morrison	Yea

ELLENROHOLT, DISCUSSION ON LOW AND MODERATE INCOME HOUSING

Ellen Roholt discussed with the council members the need for additional low and moderate income housing within the Delta City area. Mrs. Roholt stated the low income apartments that have recently been completed within the city limits do not meet all of the needs in the area. Those apartments have only two bedrooms and the bathrooms are all upstairs. This prohibits the elderly or handicapped from renting the units. The council agreed with Mrs. Roholt regarding the need for additional low and moderate income apartments and assured her that if and when any monies became available the city could apply for it.

COUNCILS CONSIDERATION FOR FINAL APPROVAL OF THE REVISED PLAT E LOTS 6, 7 AND 8 (plat F and Plat G) OF PENDRAY ESTATES

Mr. Robert Pendray displayed a plat of revised Plat E Lots 6, 7 and 8 (Plat F and Plat G) of Pendray Estates for the council's review and discussion. Council Member Ruth Hansen read the following recommendation received from the Planning and Zoning Commission regarding Pendrays Estates:

By a unanimous vote at the Planning and Zoning Meeting held Wednesday, February 3, 1982 the Planning and Zoning Committee Recommended that the Delta City Council approve the Revised Plat "E", which will become Plat F of the Pendray Estates Subdivision.

By a unanimous vote at the Planning and Zoning Meeting held Wednesday February 3, 1982 the Planning and Zoning Committee recommended that the Delta City Council approve the Plat "G" of Pendray Estates Subdivision.

Mr. John Quick questioned if the Revised Plat "E" could be recorded as it is or if the County Recorder would require an amended Plat "E" instead. Mr. Quick also stated something should be done with 4th North Street, either improvements must be put in or the street should be vacated.

Council Member Morrison stated "My position is that until 4th North Street is vacated, the improvements required must be met."

Mr. Pendray told the Council, "The first time we tried to work with the city and make a wider street so we could take care of any problems that may be

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created by the extra traffic with the Harris Project. At that point in time the council said they did not want to vacate 4th North, it would have cost us a lot of money to widen the street but at that time we were willing to do it but because the council said no we have since changed our plans and I don't feel we should be asked now to go back and put in the improvements, it would cost us at least \$4,000.00 per lot." Council Member Morrison told Mr. Pendray that he felt there should be some very direct council action to relieve the Pendray's of the requirements for the improvements on 4th North if that is the direction the council want to take but the problem on 4th North Street should be resolved one way or the other.

Following further discussion of the matter, Attorney Peterson suggested if Mr. Pendray could start building on those lots under the authorization of Plat "E" he should do so and then bring it in to the next meeting with the Plat E drawn in showing it as a revised E instead of a Plat "F".

Council Member Bennett MOVED the council approve Plat "F" including a revision of Lots 6, 7 and 8 of Plat "E" of the Pendray Estates Subdivision located in part of section 7 Township 17 South Range 6 West Salt Lake Base and Meridian and in the City of Delta, Millard County, State of Utah. The motion was SECONDED by Council Member Hansen. Mayor Nielson called for a roll call vote. The voting was as follows:

Max Bennett	Yea
Don Bird	Yea
Don Dafoe	Yea
Ruth Hansen	Yea
Willis Morrison	Yea

It was the opinion of the council Plat "G" will be tabled until the following council meeting and if the documents are ready for council's review they will be placed on the agenda for that meeting.

PLANNING AND ZONING COMMISSION RECOMMENDATION REGARDING A ZONE CHANGE REQUESTED BY RAE'S DRAPERIES

Mayor Nielson read the following recommendation received from the Planning and Zoning Commission:

By a unanimous vote at the Planning and Zoning Meeting held Wednesday February 03, 1982 the Planning and Zoning Committee recommended that the Delta City Council deny the application of Choral Clark and Rayola Tolley for a zone change R-2 to R-3B at 396 South 400 West, Delta, Utah to allow for a commercial business.

Council Member Don Dafoe explained the Planning and Zoning recommended the request be denied for the reasons that the zone change would not be compatible with the land use for that area which is residential.

Mrs. Coral Clark then requested a Non-conforming-Use Permit. Attorney Peterson explained to Mrs. Clark that the only way a Non-Conforming-Use Permit could be issued is if the business was in operation prior to the adoption of the present Zoning Ordinance.

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Mrs. Tolley stated she has sold out of the building for the last four years under the name of Peterson and Tolley Carpets. Attorney Peterson stated that it was not a separate retail business if it was a warehouse.

Mrs. Clark asked the council if they thought their business would ruin the area and that was why their request has been denied.

Council Member Bird stated the zoning ordinance states no business could be allowed in that area as it is not a commercial zone. Following further discussion of the matter, Council Member Bird MOVED the request for a zone change from R-2 to R-3B at 396 South 400 West be denied for the above mentioned reasons. The motion was SECONDED Council Member Dafoe and received the unanimous affirmative vote of all council members present..

OTHER BUSINESS DISCUSSED

Mr. Robert Pendray and Mr. Rod Clark informed the council they had been asked by the Chamber of Commerce to be co-chairment of a Community Development Committee and their first project is a city wide clean campaign which is tentatively for March 27 to April 3. Mr. Clark asked the city to send the necessary notice to all property owners that if their property is not cleaned up the city crew will clean it up and charge the property owners. There was a detailed discussion of the project followed by a MOTION made by Council Member Bird to authorize Mayor Nielson to declare the week of March 27 to April 3 as Delta City Clean up Week. The motion was SECONDED by Council Member Morrison and received the unanimous affirmative vote of all council members present.

Council Member Bennett MOVED the council compliment Mr. Clark and Mr. Pendray and the Delta Area Chamber of Commerce for their work and interest in Delta City. The motion was SECONDED by Council Member Morrison. The motion carried.

Pat Manis discussed with council the amounts of the insurance bid for Delta City each council member was given a copy of the list of premiums.

Mayor Nielson informed the council the title search on the Delta City Airport has not been received as of this date.

Council Member Hansen stated Mr. Mike Robison has scheduled a rabies clinic for Saturday, February 23, 1982 from 10:00 am to 11:30 am at the Delta City Fire Station. The cost of the shots will be \$5.00 per shot.

Mayor Nielson told the council he and the City Administrator will meet with IPP to discuss hiring someone to represent the council, to work with Al Pitzer and Roger Stowell to study what the effects will be on Delta City when the construction is completed on the IPP Project and the workers start moving out. The study will take approximately 3 months and IPP will pay the wages of the persons hired.

There will be no council meeting scheduled for Monday, February 15 as it is a holiday.

Council Member Morrison suggested each council member take the time to go look at the 4th North Street prior to any council action being taken and no approval

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should be given until the issue with the street is resolved. Council agreed.

Attorney Peterson told the council he has received two requests for letters of recommendations from two of the Delta City Police Officers and suggested the problem in the department be given council attention. Mayor Nielson, Council Member Bennett and the City Administrator will meet with the department to discuss the problem.

John Quick gave each council member a copy of the water study for their review he also suggested there is a need for an increase in the monthly water rates.

Attorney Peterson reported on the Board of Water Resources meeting, they have approved \$296,000.00 loan on a 5% interest on a 20 year pay back agreement. Attorney Peterson requested authorization to call a bond attorney and physical agent. A bond attorney is needed by a physical agent is not required. Attorney Peterson stated he had met with the county regarding zoning, the county has zoned for 1 acre lots around the outside of the city limits, (A-1 zone) Attorney Peterson requested it be changed to 5 acre lots or A-5 Zone, he then suggested if the council agree with his actions they direct the Mayor to write a letter to this effect to the county. Councilmember Morrison MOVED the council direct Mayor Nielson to write a letter to the county requesting the A-1 Zone, the area located just outside of the city limits be changed to A-5 Zone. The motion was SECONDED by Councilmember Bird and received the unanimous affirmative vote of all council members present.

Mayor Nielson asked if there were any further comments or business to be discussed. There being none Councilmember Hansen MOVED the meeting be adjourned. The motion was SECONDED by Council Member Morrison. The meeting adjourned at 11:15 p.m.


Grant S. Nielson, Mayor


Dorothy Jeffery, City Recorder

MINUTES OF A PUBLIC HEARING HELD FEBRUARY 22, 1982

PRESENT:

Grant S. Nielson
Don Bird
Don Dafoe
Max Bennett

Mayor and presiding
Councilmember
Councilmember
Councilmember

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